

**Application to USEPA Region IV  
for CCR Permit Program Approval  
in Accordance with  
Section 2301 of Subtitle C of the  
Water Infrastructure Improvements for the Nation Act**

Georgia Department of Natural Resources  
Environmental Protection Division  
August 17, 2017

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## **I. Introduction: Background and Scope**

### *Background*

Georgia began its efforts to effectively manage solid waste with the enactment of the Georgia Solid Waste Management Act of 1972. Responsibilities for implementing the solid waste requirements under this law were assigned to the Environmental Protection Division (EPD or “Division”) of the Georgia Department of Natural Resources (DNR). The 1972 Act was replaced in 1990 by the Georgia Comprehensive Solid Waste Management Act (“Act”, see Appendix A), Title 12, Chapter 8, Article 2 of the Official Code of Georgia Annotated (O.C.G.A.). In 1993, Georgia applied for a state Solid Waste Permit Program to implement Subtitle D of the Resource Conservation and Recovery Act (RCRA) and 40 CFR Part 258 Criteria for Municipal Solid Waste Landfills (MSWLs). This Program application was fully approved by U.S. EPA through a Determination of Adequacy on September 21, 1993, and Georgia has been regulating MSWLs under this approval for the past 24 years (see Appendix B).

Under the provisions of the 1990 Act, and prior to the Environmental Protection Agency (EPA)’s Final Rule: Disposal of Coal Combustion Residuals from Electric Utilities, (“Federal Rule”), Georgia regulated a small subset of facilities that disposed of Coal Combustion Residuals (CCR). The State has done so by regulating disposal of CCR at Electric Utilities (“EUs”) where CCR is placed in landfills. EPD took the position that CCR was an “industrial waste”, at a “private industrial solid waste disposal facility” (“PISWDF”),” under the 1990 Act, and as such, required a Solid Waste Handling Permit. PISWDFs are those facilities “that are operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.” During the time when federal regulations for disposal of this waste stream were not in place, the State moved toward applying most of the design and operational standards at PISWDF that were required at municipal solid waste landfills. For example, the five operating CCR landfills at EUs have permits that require liners and leachate collection systems and groundwater monitoring requirements. Additionally, EPD’s Water Branch permitted surface impoundments at EUs where CCR deposits collected under the National Pollutant Discharge Elimination System (NPDES) program with coordination from the Solid Waste Program.

In 2015, the Federal Rule was published. EPD reviewed the Federal Rule and concluded that the best practice would be to adopt the Federal Rule by reference, with the exception of those portions that were not as strict as Georgia’s intended policy. Additionally, Georgia EPD expanded its scope of CCR regulation to place some requirements of the Federal Rule upon units not regulated by the Federal Rule, but that accepted CCR. Such units included, but were not limited to, MSWLs that accept CCR and inactive CCR surface impoundments. These revisions to State rules were adopted by the Georgia Board of Natural Resources on October 26, 2016 and became effective November 22, 2016 (2016 CCR Rule Revisions). It is worth noting that Georgia’s 2016 CCR Rule Revisions were effective prior to EPA’s response to the partial vacatur and in response to the vacatur, EPD will clarify certain parts of the 2016 CCR Rule Revisions.

### *Scope*

Georgia’s 2016 CCR Rule Revisions provided EPD with the ability to expand its existing authority over CCR disposal in two regulatory domains: at PISWDFs and at MSWLs.

First, the revisions expanded EPD’s regulatory authority over those PISWDF operations at EUs that generate CCR by incorporating the Federal Rule by reference for CCR generated by EUs. The 2016



CCR Rule Revisions incorporate the Federal Rule by reference almost in its entirety. State Rule 391-3-4-.10 was set aside to specifically incorporate the Federal Rule as part of a “stand alone” permitting program for CCR disposal generated by EUs. EPD broadened 391-3-4-.10 to include disposal at units that are not covered by the Federal Rule, including:

- a. Inactive NPDES surface impoundments (or, those surface impoundments that had been regulated using the NPDES permits – see above)
- b. Inactive CCR landfills
- c. Dewatered Surface Impoundments

EPD also did not exclude “inactive” EU facilities based on operation and/or closure time. By not excluding these facilities, Georgia’s rule differs slightly from the Federal Rule of April 17, 2015 but is aligned with the current, post-vacatur Federal Rule.<sup>1</sup>

The second major aspect of the 2016 Rule Revision expanded EPD’s regulatory authority for disposal of CCR at MSWLs and Commercial Industrial Landfills (CILs). The revisions created new requirements under existing solid waste permitting requirements for those MSWLs that have accepted or will continue to accept CCR waste. Any MSWL that has accepted CCR waste must add Appendices III and IV to their groundwater monitoring plans. Per State Rule 391-3-4-.07(5), any MSWL or CIL taking CCR on or after May 21, 2017 must obtain EPD’s approval for a site-specific CCR Management Plan. Georgia EPD published a ‘Guidance Document for Coal Combustion Residuals (CCR) Management Plans on December 22, 2016 (see Appendix A for link).

Subsequent to the State’s adoption of the 2016 CCR Rule Revisions, the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016 provided additional justification for Georgia’s permitting structure contained in the 2016 CCR Rule Revisions. In this Narrative document, we first demonstrate that Georgia has developed its regulations to meet or exceed the relevant federal standards, and then show that the State has both a plan and adequate personnel to administer a permit program for CCR management.

## **II. Jurisdiction and Responsibilities**

The CCR Permit Program will be managed under the State’s Solid Waste Management Program (SWMP). The O.C.G.A., Volume 10, Title 12, as amended through 2017, specifically O.C.G.A. 12-8-23.1, gives the Director of the Environmental Protection Division of the Department of Natural Resources the primary responsibility for implementation of the SWMP. The Director is also instructed to coordinate his activities with those of other State agencies and local political jurisdictions to achieve a unified and effective SWMP. Finally, under State law, it is the responsibility of the State Attorney General's office to represent all State agencies.

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<sup>1</sup> While EPA has recently vacated some exemptions for impoundments, Georgia’s 2016 CCR Rule Revisions had already removed exemptions for impoundments. Therefore, the substantive difference between the Federal and State regulations is minimal. However, Georgia will clarify such discrepancy in rule-making currently underway. Georgia will also clarify certain discrepancies in definitions of facilities. While generally Georgia’s definitions are more expansive, in the instance that Georgia’s are more restrictive, such language will be clarified to meet the federal definition. With the clarifications that will be included in current rule changes, Georgia is seeking to obtain approval of its CCR Permit Program.

### III. 2016 State CCR Rule Revisions

#### *Definitions*

Most definitions pertinent to Georgia's CCR Permitting Program can be found in Rule 391-3-4-.10. This is where Georgia has incorporated the Federal Rule by reference, including the majority of its definitions. However, there are exceptions where Georgia's definitions do not completely match Federal definitions; these are listed below:

- 391-3-4-.01
  - Aquifer: EPD holds that the State's use of "significant quantities" is more protective than the Federal "usable quantities". The State's concern is that some aquifers (e.g., saline aquifers) might be argued to be not "usable", but the State seeks to maintain protection for these aquifers.
  - CCR Landfill, CCR Unit, and CCR Surface Impoundment- includes active or inactive units, goes beyond the Federal Rule to include previously permitted and/or unregulated units, such as:
    - Dewatered surface impoundments
    - NPDES-CCR surface impoundments<sup>2</sup>
  - Qualified Groundwater Scientists- EPD includes State-registered professional geologists as qualified groundwater scientists. (Note: Approved plans will require that all reports come under the seal of a professional engineer.)
- 391-3-4-.10
  - Dewatered Surface Impoundment, NPDES- CCR Surface Impoundment, and Inactive CCR Landfill: these definitions bring in all CCR units of any type regardless of whether they accepted CCR prior to or after October 19, 2015.
  - Beneficial Reuse: EPD requires submittal of any project; there is no automatic approval based on tonnage limits.
  - Exemption of Commercial Industrial Landfills. EPD recognizes that EPA's definition would not exclude CILs; however, EPD chose to exclude CILs from this section given that the new rules adopted by EPD require additional regulations at MSWL and CILs that accept CCR that are as strict as the Federal Rule. CILs must meet the same siting criteria as municipal solid waste landfills (391-3-4-.05(1)(k)8.(3)). Rule 391-3-4-.07(4)(a) is being revised to require commercial industrial landfills that will accept CCR to meet the design and operating criteria of the Federal Rule. In addition, EPD has more robust public participation requirements for permitting CILs that would not be required under the Federal Rule if they were included in -.10.

#### *Applicability*

State Rule 391-3-4-.10 is incorporation of the Federal Rule with the exceptions as noted above and creates a stand-alone permitting program for CCR units. In addition to -.10, CCR units must also comply with procedural permitting requirements of 391-3-4-.02; Financial Assurance Requirements found in 391-3-4-.13 and reporting requirements found in 391-3-4-.17. Many sections of the Rules for Solid Waste Management (391-3-4) specifically exclude CCR units from regulatory requirements of that

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<sup>2</sup> EPD has clarified its definition of CCR Landfill to match the EPA's language from its CCR Rule.



section (example 391-3-4-.06(6)); however, where this needs additional clarification, EPD can provide this through rulemaking or guidance.

### *Operating Criteria*

As stated in 391-3-4-.10(5)(c), CCR units will be subject to an individual permit. While the language used states a “solid waste handling permit,” EPD has created its own subset of solid waste handling permits- CCR permit- that is based on federal requirements.

### *Variances*

Georgia’s Rules for Solid Waste Management may not be any less stringent than Federal regulations. As such, it is worth noting that any provisions for a variance in the 2016 CCR Rule Revisions must be read in the context of O.C.G.A. 50-13-9.1(h). O.C.G.A. 50-13-9.1(h)(1) states no variance or waiver shall be sought or authorized when any agency rule or regulation has been adopted or promulgated in order to implement or promote a federally delegated program. Furthermore, O.C.G.A. 50-13-9.1(h)(5) states that no variance or waiver shall be sought or authorized for any rules, regulations, standards, or procedures are adopted or promulgated by the Department of Natural Resources for the protection of the natural resources, environment, or vital areas of this state.

To prohibit *de facto* rulemaking, variances may only be granted where allowed for by Rule. For example, in 391-3-4-.07(4), industrial waste landfills and construction/demolition landfills are explicitly allowed certain variances from requirements for MSWLs. For example, an industrial landfill may be granted a variance from methane gas monitoring requirements if it is only allowed to accept inorganic industrial wastes that do not produce methane. Finally, in EPD’s most recent rule revisions, 391-3-4-.04(10) explicitly states that no variances are allowed if they are “less stringent than those found in 80 Fed. Reg. 21468 (April 17, 2015); as amended at 80 Fed. Reg. 3799 (July 2, 2015) and 81 Fed. Reg. 51807 (August 5, 2016).”

## **IV. Number of CCR Units**

### *Landfills*

EPD has identified 41 disposal units for CCR generated and disposed at Electric Utilities (11 landfills and 30 impoundments) in Georgia. Five CCR landfills are currently operating and subject to 40 CFR Part 257 requirements. Three CCR landfills closed before the current regulations were promulgated (one in 2008 and two in 2010). Three other landfills currently in-closure ceased receipt of CCR prior to the effective date of 40 CFR 258 Subpart D and are not subject to this subpart per §257.50(d). The active CCR landfills were previously issued State solid waste handling permits, but per 391-3-4-.10 (9) these existing landfills must submit an application by November 22, 2018 to obtain a CCR permit. All of the operating landfills are currently conducting disposal operations in cells with composite liners that meet the requirements of §257.70. Three of these operating facilities also have pre-existing portions where CCR was deposited in cells that do not meet the requirements. These unlined cells that ceased receiving CCR prior to October 19, 2015 will be closed in accordance with existing Closure Plans (part of their solid waste handling permit). Under EPD’s most recent draft rule revisions, ALL units either operating or not completing closure by November 22, 2018, must receive a new “CCR Permit.” (See Appendix C at 391-3-4-.10(9))

### *Impoundments*

There are 30 CCR impoundments in the State. The final tally of regulated CCR impoundment units will depend on whether some smaller impoundments will be treated independently or grouped together for regulatory purposes. Multiple units that are contiguous or in close proximity to one another and can be monitored under a single groundwater monitoring network may be combined into a single CCR Closure Permit.

### *New applications or facilities under construction*

Currently, the State is not reviewing any permit applications for new CCR facilities, and there are not any permitted sites in the construction (pre-disposal) stage.

## **V. Staff Resources for CCR Permit Program Implementation**

Georgia's Solid Waste Management Program (SWMP), part of EPD's Land Protection Branch, will be the lead program for permitting, compliance, and enforcement of CCR units. These functions will largely be carried out by staff from the SWMP's central location in Atlanta (Table 1, below). Seven EPD district offices throughout the State (see Table 2) and EPD's Emergency Response Team are available to quickly respond to reports of releases or complaints, but will not be involved in the routine regulation of CCR units.

Within the SWMP, the Solid Waste Permitting Unit is responsible for reviewing permit applications and issuing permits, reviewing plans and other demonstrations of compliance with 40 CFR Part 257, conducting construction inspections of cells and closure activities, and leading compliance inspections of CCR units. The Environmental Monitoring Unit of the SWMP is responsible for determining site suitability, reviewing groundwater monitoring plans and reports, reviewing corrective action plans and reports, inspecting groundwater well construction, and assisting with compliance inspections. Also within the SWMP, the Recovered Materials Unit will conduct beneficial use determinations for CCR, and the Surface Mining and Tire Management Units do not have duties related to CCR.

Georgia regulates dam safety through O.C.G.A. 12-5-370, The Georgia Safe Dams Act of 1978, and through Rules for Dam Safety, Chapter 391-3-8. The Safe Dams Unit, within EPD's Watershed Protection Branch, will assist the SWMP in regulating CCR impoundments. Specifically, the Safe Dams Unit will provide the technical assistance for reviews relevant to 40 CFR 257.73 and 257.74 (structural integrity criteria for impoundments) and 40 CFR 257.82 (impoundment capacity requirements). The Safe Dams Unit will provide technical assistance for reviews relevant to 40 CFR 257.83 (inspection requirements for impoundments).

Additional staff resources are available through the Attorney General's Office for assistance on any enforcement actions such as consent orders or administrative orders, or other legal matters such as permit appeals. Other specialized support, such as quantitative risk analysis or laboratory analyses of soil or water samples, is available within EPD.



**Table 1: Solid Waste Management Program**

Program Manager

Operations Analyst

Solid Waste Permitting Unit

- Unit Manager
- Six (6) Engineers

Environmental Monitoring Unit

- Unit Manager
- Nine (9) Geologists

Recovered Materials Unit

- Unit Manager
- Engineer
- Two (2) Environmental Specialists

- Comm. Outreach Specialist

Tire Management Unit

- Unit Manager
- Seven (7) Environmental Specialists
- Data Processor
- Licensing Technician

Surface Mining Unit

- Unit Manager
- Engineer
- Two (2) Geologists

**Table 2: EPD Districts Offices**

Coastal District (Brunswick)

East Central District (Augusta)

Mountain District (Atlanta)

Mountain District (Cartersville)

Northeast District (Athens)

Southwest District (Albany)

West Central District (Macon)

**VI. Permitting Requirements**

O.C.G.A. 12-8-24(a) of the Georgia Comprehensive Solid Waste Management Act and Chapter 391-3-4-.02 of the Rules for Solid Waste Management both require that no person shall engage in solid waste handling or construct or operate a solid waste handling facility without first obtaining a permit from the Director of the Georgia Environmental Protection Division (EPD) authorizing such activity. Solid waste handling permits typically include but are not limited to the following:

- Limitations on the type of waste that may be accepted
- Incorporation of a site specific design and operational plan as part of the permit
- Siting restrictions, such as setbacks from wetlands and streams or separation of waste from the water table
- Requirements for financial assurance
- Requirements to close in accordance with the facility closure plan
- Deadlines for construction to commenced or be completed, with possible permit termination if these deadlines are missed.

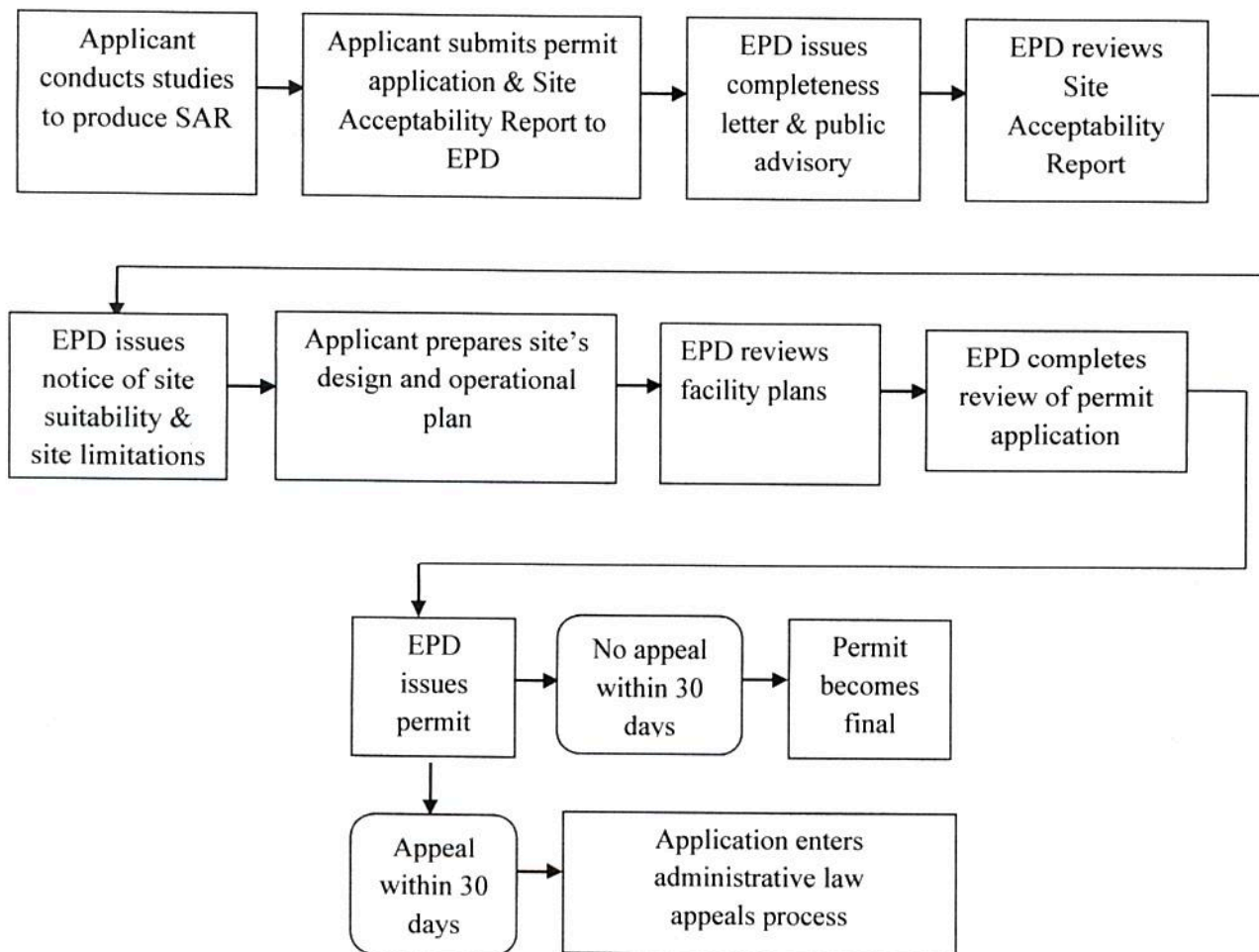
After closure has been successfully completed, a closure permit is issued with conditions for post-closure care. Issuance of the closure permit officially marks the commencement of the post-closure care period.

O.C.G.A. 12-8-23(1)(b) gives to the Board of Natural Resources the authority to adopt rules and regulations prescribing the procedures to be followed in applying for solid waste handling permits and requiring the submission of pertinent information deemed relevant in connection with the issuance of such permits.

#### *Permitting Procedures for New CCR Units*

The permitting procedures as required by O.C.G.A. 12-8-20 and the Rules for Solid Waste Management, Chapter 391-3-4, for a CCR unit are outlined in Figure 1.

FIGURE 1: PERMITTING PROCEDURES FOR ALL CCR UNITS





An applicant for a CCR permit must enlist a professional geologist or professional engineer registered in Georgia to prepare a Site Assessment Report (SAR) addressing Rule 391-3-4-.10(3). The completed SAR will be submitted to the Division along with the official permit application.

A "CCR Unit - Application For Solid Waste Handling Permit" must be submitted to the Division along with the SAR, and written verification of compliance with local zoning or land use ordinances as required by O.C.G.A. 12-8-24 (g). The permit application must be accompanied by a statement that the applicant either owns the property on which the CCR unit is to be located or written permission of the owner to use the property for a CCR unit.

If EPD determines that a submitted application is complete, a letter of completeness is sent to the applicant and the host local government, and EPD issues a public advisory of receipt of the application under Program policy. The public advisory briefly describes the application that has been submitted. The public advisories are issued monthly and also directly distributed to concerned parties that have requested to be on the public advisory list.

Next, EPD begins the site suitability determination phase of the application review. The Solid Waste Management Program reviews the SAR to demonstrate that it meets the criteria outlined in Rule 391-3-4-.10(3). EPD will review the SAR and its supporting data, make one or more visits to the proposed site. EPD will make a determination as to the suitability or unsuitability of the proposed site for a CCR unit, and notify in writing the applicant and the host local government of its determination.

If the proposed site is unsuitable, the Division will notify the applicant in writing and the permitting process will end. When the proposed site is suitable, the Director imposes Site Limitations in the Site Suitability Notice. Site Limitations typically delineate the boundaries approved for waste disposal, define the uppermost water table for the purpose of setting minimum vertical separation between waste and groundwater, and impose setbacks between land disturbances and certain waters of the State and/or wetlands.

The applicant will proceed with the design of the proposed CCR unit in accordance with the criteria outlined in Rule 391-3-4-.10 and to meet the Site Limitations. The proposed CCR unit's design and operational (D&O) plan and supporting documentation must be prepared by a professional engineer registered to practice in Georgia. The D&O plan for the proposed CCR unit, along with supporting data and design calculations, are submitted to EPD for review.

The Solid Waste Permitting Unit reviews the D&O plan to ensure that all of the requirements of Rule 391-3-4-.10 are met. When the D&O plan and other portions of the permit application have been determined to meet the standards of 391-3-4-.10, EPD typically notifies the applicant that the plans are approvable and to send a reminder of any other final tasks (such as providing financial assurance) that must be completed prior to permit issuance. The SWMP drafts site-specific permit conditions for the proposed CCR unit.

Once the solid waste handling permit is issued the Director notifies the legal organ and the chief elected official of the host local government in which the facility is to be located. For thirty days after issuance the permit may be appealed. If no appeal is received the permit becomes final. If an appeal is received within 30 days, no further construction or operations may take place under the permit and the permit enters into the appeals process as specified by the Georgia Administrative Procedures Act.



## *Procedures for Permit Modifications*

Permit modifications are classified as either major or minor under the requirements set forth in Rule 391-3-4-.02(4). Major modifications are changes which substantially alter the design of the facility, management practices, the types of wastes being handled, or the methods of waste handling, and due to the nature of the changes, would likely have an impact on the ability of the facility to adequately protect human health and the environment. Minor modifications are changes that do not substantially alter the permit conditions, reduce the capacity of the facility to protect human health or the environment, or that enable a permittee to respond in a timely manner to common variations in the type and quantities of wastes managed, technological advancements, or changes necessary to comply with new rules where these changes can be implemented without substantially changing design specifications or management practices in the permit.

Major modifications may include, but are not limited to expansions of CCR units; the addition of a new solid waste handling process to the unit; a change of a site limitation; selection of a corrective action plan; and any other modification that the Director determines to meet the criteria in Rule 391-3-4-.02(4)(a). Major modifications are approved by the Director and therefore are subject to appeal through the same appeals process described above.

Major modifications of solid waste handling facilities are subject to a similar process as that for new units. A completed application must be submitted, along with supporting documents that describe the requested changes and how they will be implemented. If the solid waste handling footprint is expanded, an amended SAR must be provided to cover the additional areas to be considered for solid waste handling. The applicant must provide written verification that the CCR unit as proposed to be modified conforms to all local zoning and land use ordinances, if any. The Site Suitability Determination process will be repeated for expansions, and Site Limitations will be revised and reissued if the proposed site is found suitable. A revised D&O plan for the modified CCR unit will be submitted for review by EPD. A public hearing prior to the issuance of a major modification is required for CILs but not at PISWDF CCR units.

Minor modifications do not substantially alter the CCR unit and public participation is not required by Rule. The permittee must submit a written request for the minor modification with accompanying supporting documents which describe the change to be made and explaining why the change is needed. If applicable, the permittee must submit a revised design for the requested change. If the minor modification involves a change in ownership, documentation is required that such modification is in compliance with Rule 391-3-4-.02(8)(a).

### *Effect of New Regulations on Existing CCR Units*

Rule 391-3-4-.10 ensures that existing CCR landfills and impoundments will comply with 40 CFR 257 Subpart D. Rule 391-3-4-.10(9)(a)2. requires owners and operators of all CCR units to submit a complete permit application no later than two years from the effective date of the Rule (i.e. by November 22, 2018). The deadline to obtain a State CCR permit does not exempt a Georgia-based facility from meeting any earlier deadlines required by 40 CFR 257 Subpart D.

Rule 391-3-4-.02 (3) allows the Director to modify or revoke any solid waste handling permit issued pursuant to O.C.G.A. 12-8-24 if the holder of the permit is found, among other things, to be performing any activity which creates a threat to human health or the environment. If the holder of the permit does



not follow the new regulations it can be deemed that the activity creates a threat to human health or the environment.

### *Closure of Existing CCR Units*

Three CCR landfill units are currently in-closure: two have not completed final construction of their final cover system and the third has removed CCR for disposal in a permitted lined landfill but not obtained final closure approval from Georgia EPD. All three, however, ceased receipt of CCR prior to October 19, 2015, and are therefore not subject to the Federal Rule. All must complete closure in accordance with a site-specific closure plan (a component of their existing solid waste handling permit) and obtain a closure permit from Georgia EPD, at which point the landfill units will enter post-closure care. Requirements for Post-Closure care will be stipulated within the closure permits.

The five CCR landfill units that continued receiving CCR after the effective date shall, as part of the process of obtaining a State CCR permit, develop closure plans and post-closure care plans that are in accordance with 40 CFR §257.101 – 104.

## **VII. Public Participation**

Public participation in CCR permitting is not required in the CCR amendments of the WIIN Act or in the current Federal Rule. EPA has three stated goals for CCR permit programs with regards to public participation: that the permit applications and supporting documents be made available for public review, that public comments be considered by the permitting program, and that final determinations on permit applications are made known to the public. Georgia EPD meets these requirements to satisfy State statutes and regulations and through policy on public advisories. A summary of public participation requirements for MSWLs, CILs, and CCR units is provided below and in Table 3.

Whenever a permit application is submitted, a notice of the application's receipt is publicly noticed online. All materials submitted as part of the application are public record and contact information is given online. Actions of the Director (e.g., determination of site suitability, issuance or denial of a permit) are also noticed on the public announcements webpage. Actions of the Director on permitting solid waste handling facilities are provided to the legal organ and chief elected official of the local government in which the proposed or permitted facility is located.

Public advisories are most readily viewed at <https://epd.georgia.gov/land-protection-branch-public-announcements>. A page dedicated to submittals, reviews, and final decisions related to CCR has been created within the public announcements (see <https://epd.georgia.gov/coal-ash-information>). Members of the public may register on this webpage to receive updates on CCR-related announcements via email.

All permit applications must be accompanied by a letter from the host local government verifying the proposed facility complies with local zoning and land use ordinances (O.C.G.A. 12-8-24(g)). Except for PISWDFs, applications must also be accompanied by a letter providing verification that the proposed facility is consistent with the local or regional solid waste management plan (391-3-4-.02(10)).

The local government must hold a public hearing prior to the issuance of a solid waste handling permit (391-3-4-.03(4)). This is applicable to all facilities regardless of waste type or whether the facility is for disposal or processing (including CILs), with the exception of PISWDFs. Also, if a permitted facility

seeks a major modification (again with the exception of PISWDFs), the local government shall hold a public hearing (391-3-4-.02).

CCR units are subject to all the electronic noticing requirements contained in the Federal Rule which have been incorporated by reference. All existing CCR units are defined as “private industry solid waste disposal facilities,” and are exempt from notice requirements specific to MSWLs. Nevertheless, any application for a new permit will be subject to the public advisory. Under the Georgia CCR Rule, there is an extra reporting requirement contained in 391-3-4-.17 for all CCR units that requires annual volume of CCR disposed and any CCR diverted for beneficial reuse.

Any MSWL that accepts CCR will be required to submit a CCR Management Plan, which is also subject to public advisory on EPD’s CCR website (see <https://epd.georgia.gov/coal-combustion-residuals-ccr-management-plans>).

**Table 3: Public Participation in Permitting Facilities for CCR Disposal**

| <b>Type of Facility</b>   | <b>Public Advisory issued for Applications</b> | <b>EPD Notice for Siting Decisions</b> | <b>Hearing prior to permit issuance</b> | <b>Major modification public hearing</b> | <b>CCR Website</b> |
|---------------------------|--|--|---|--|--------------------|
| MSWL or CIL accepting CCR | x  | x                                      | x                                       | x  |                    |
| CCR Unit                  | x  | x                                      |   |  | x                  |

### **VIII. Inspection, Compliance, and Enforcement Program**

The inspection, compliance, and enforcement processes have remained the same as those described in the July 27, 1993 “Application to USEPA Region IV for Solid Waste Permit Program Approval in Accordance with Section 4005(c) of Subtitle D of the Resource Conservation and Recovery Act” (see Appendix B), and subsequently approved by EPA on September 21, 1993.

### **IX. Investigations and Monitoring**

Under O.C.G.A. 12-8-23.1 (a)(4), the Director is authorized to make investigations, analyses, and inspections to determine and ensure compliance. Code section (a)(12) further requires any person who is engaged in solid waste handling subject to the permit by rule provision of O.C.G.A. 12-8-23.1 to notify the Division in writing within a reasonable number of days which the Director shall specify, the location and general description of such activity, identify the waste handled and give any other information which may be relevant, under such conditions as the Director may prescribe.

The Director has authority to conduct monitoring or testing under O.C.G.A. 12-8- 23.1(a)(4) which grants authority to make "analyses" to ensure compliance.



Chapter 391-3-4-.10(6)(d) of the Rules requires a permitted CCR unit to obtain concurrence from the Division for its groundwater monitoring system design, groundwater sampling and analysis plan, groundwater monitoring well installation, alternate source demonstrations, selection of a corrective remedy, and completion of a corrective remedy. The surface water monitoring plan shall be designed to determine the impact of the facility on all adjacent surface waters. The design of the groundwater monitoring plan shall be in accordance with the requirements of Groundwater Monitoring and Corrective Action, as provided in Rule 391-3-4-.10(6). This rule incorporates the standards for Groundwater Monitoring and Corrective Action contained in Subpart E of 40 CFR Part 258.

## **Appendices of References and Documents Cited in Narrative**

### **Appendix A. Links to Online References**

1. 391-3-4 Georgia Rules for Solid Waste Management:  
<http://rules.sos.ga.gov/gac/391-3-4>
2. Official Code of Georgia Annotated (O.C.G.A.):  
<http://www.lexisnexis.com/hottopics/gacode/Default.asp>
3. Guidance Document for Coal Combustions Residuals (CCR) Management Plans:  
[https://epd.georgia.gov/sites/epd.georgia.gov/files/CCR\\_Management\\_Plan\\_Guidance\\_122216.pdf](https://epd.georgia.gov/sites/epd.georgia.gov/files/CCR_Management_Plan_Guidance_122216.pdf)



## **Appendix B.**

“Application to USEPA Region IV for Solid Waste Permit Program Approval in Accordance with Section 4005(c) of Subtitle D of the Resource Conservation and Recovery Act” Georgia Department of Natural Resources, Environmental Protection Division; July 27, 1993.

## **Appendix C.**

Draft Revisions to Rules for Solid Waste Management, 2017.